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IN THE CIRCUIT COURT FREDERICK COUNTY, MARYLAND

11/22/2021

STATE OF MARYLAND

v.

NORRIS ELLIS

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CASE NO.: C-10-CR-21-000535

REQUEST FOR DISCOVERY

COMES NOW the Defendant, Norris Ellis, by and through Isabelle Raquin, and the law offices of RaquinMercer LLC, and requests the State to exercise due diligence to identify all of the material and information that must be disclosed to the Defendant under Rule 4-263, and to provide discovery to the Defendant within the time frames set forth in Rule 4-263. The Defendant also requests the State to timely provide supplemental discovery pursuant to its continuing duty to produce discoverable material and information to the Defendant. In the event the State deems any matters not discoverable pursuant to Rule 4-263(g), the Defendant requests the State to identify the matters withheld with sufficient particularity to allow the Court to determine that disclosure is not required under Rule 4-263 or *Brady v. Maryland*, 373 U.S. 83 (1963). The Defendant's specific discovery requests herein do not limit the State's obligation pursuant to Rule 4-263 to provide discovery without a request.

1. **DISCLOSURE WITHOUT REQUEST**

a. The Defendant requests the State to provide all material and information in any form, including documents, recordings, and electronically stored information, that must be disclosed under Rule 4-263. The Defendant specifically requests the State to provide all materials and information in any form, including documents, recordings, and electronically stored information, whether or not admissible, that tends to exculpate the Defendant, or negate or mitigate

the Defendant's guilt or punishment as to the offense(s) charged.

b. The Defendant requests the State's Attorney to exercise, initially and on a continuing basis, due diligence to identify all the material and information that the State is obligated to disclose under Rule 4-263 and *Brady v. Maryland*, 373 U.S. 83 (1963).

c. The scope of these requests includes all material and information that is in the possession or control of the Assistant State's Attorney, members of the State's Attorney's Office's staff, or any other person who either reports regularly to the Assistant State's Attorney or the Office of the State's Attorney, or who has reported to the Assistant State's Attorney or the Office of the State's Attorney's in regard to the investigation or prosecution of the Defendant.

2(A). **STATEMENTS OF DEFENDANT**

Provide all written and oral statements of the Defendant and any Co-Defendant that relate to the offense charged and all material and information, including documents and recordings, that relate to the acquisition of such statements.

2(B). **CRIMINAL RECORD**

Provide prior criminal convictions, pending charges and probationary status of the Defendant and any Co-Defendant.

2(C). **WRITTEN AND ORAL STATEMENTS OF STATE WITNESSES**

Provide as to each State's witness whom the State's Attorney intends to call to prove the State's case-in-chief, or to rebut alibi testimony: (a) the name of the witness; (b) the address and the telephone number of the witness; (c) all oral and written statements of the witness; and (d) all statements of the witness that are recorded, signed by, or adopted, by the witness, or that are substantially contained in a police or investigative report.

2(D). **PRIOR CONDUCT**

Provide all evidence of other crimes, wrongs or acts committed by the Defendant or any Co-Defendant that the State intends to offer at a Hearing or at a Trial pursuant to Maryland Rule 5-404(b).

2(E). **EXCULPATORY INFORMATION**

Provide all material or information, in any form, whether or not admissible, that tends to exculpate the Defendant, or negate, or mitigate, the Defendant's guilt to punishment as to the offense charged.

2(F). **IMPEACHMENT INFORMATION**

Provide all material or information, in any form, whether or not admissible that tends to impeach a State's witness, including:

- a. Evidence of prior conduct to show the character of the witness for untruthfulness pursuant to Maryland Rule 5-608(b);
- b. A relationship between the State's Attorney and the witness, including the nature and circumstances of any agreement, understanding, or representation that may constitute an inducement for the cooperation or testimony of the witness;
- c. Prior criminal convictions, pending charges, or probationary status that may be used to impeach the witness;
- d. An oral statement of the witness, not otherwise memorialized, that is materially inconsistent with another statement made by the witness or with a statement made by another witness;
- e. A medical, or psychiatric condition, or addiction, of the witness that may impair the witness's ability to testify truthfully or accurately;
- f. The fact that the witness has taken, but did not pass, a polygraph examination;

- g. The failure of the witness to identify the Defendant, or a Co-Defendant.

2(G). **SEARCHES, SEIZURES, SURVEILLANCE,
AND PRETRIAL IDENTIFICATION**

- a. Provide all relevant material or information regarding specific searches and seizures, eavesdropping, or electronic surveillance, including wiretaps and any use or collection of cell phone related location information.

- b. Provide all relevant material or information related to the identification, or non-identification, or misidentification, of the Defendant by a State's witness. This request includes all relevant material or information related to the identification, or non-identification, or misidentification, of a Co-Defendant (or other person) in circumstances where the State maintains that the purported identification of a Co-Defendant or other person effectively constitutes an identification of the Defendant.

2(H). **REPORTS OR STATEMENTS OF EXPERTS**

As to each State's expert witness that the State's Attorney consulted in connection with this action, please provide:

- a. The expert's name and address, the subject matter on which the expert is expected to testify, the substance of the expert's findings and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion;

- b. An opportunity to inspect and copy all written reports or statements made in connection with the action by the expert, including the results of any physical or mental examination, scientific test, experiment or comparison;

- c. The substance of any oral report and conclusion by the expert;

- d. The laboratory file related to a report;

- e. All material and information, including any laboratory file, case related

communications, interpretations of results, corrective action reports, and data generated, related to the collection of evidence, its chain of custody, examination, analysis, or testing performed;

f. All material and information related to any DNA testing that the State is required to provide under Md. Code Ann., Courts and Judicial Proceedings, § 10-915;

g. All material and information, including all photographic or video depictions, related to the collection by a healthcare provider, physician, nurse, technician, social worker, forensic interviewer, or other qualified person, of any statement made by a victim (whether for the purpose of obtaining treatment or otherwise), or the collection of any biological identification evidence, or evidence of acute or prior injury, abuse, or neglect.

2(I). **EVIDENCE FOR USE AT TRIAL**

Provide an opportunity to inspect, copy, and photograph all documents, computer-generated evidence as defined in Maryland Rule 2-504.3(a), recordings, photographs, or other tangible things that the State's Attorney intends to use at a hearing or at trial.

2(J). **PROPERTY OF THE DEFENDANT**

Provide an opportunity to inspect, copy, and photograph all items obtained from or belonging to the Defendant, whether or not the State's Attorney intends to use the item at a hearing or trial.

3. **SPECIFIC REQUESTS**

a. Set forth the written or recorded statements including Grand Jury testimony of all persons who have been interviewed by Government agents who the State does not plan to call as witnesses.

b. Set forth the names, addresses and telephone numbers of all persons who have knowledge pertaining to this case, or who have been interviewed by Government agents in

connection with this case.

c. Furnish the names, addresses and physical descriptions of any persons, other than the Defendant, who were arrested, or otherwise detained by police, or prosecution officials as possible suspects in this case.

d. Produce and permit the Defendant to inspect and copy all photographs of possible suspects shown by the police, or any other Governmental agency, to any witness in connection with this case.

e. Furnish the substance of any statements made by any witness at a line-up, show-up, photographic display, etc. at which an identification of a suspect, including the Defendant, was attempted by the State, or its agents.

f. Allow the Defendant's counsel to copy police tapes, or transmissions, pertaining to this offense, including the identification of the perpetrator, capture of the Defendant, or any other relevant matter.

g. Produce a copy of the record showing the number of Grand Jurors present during the presentation of the charges against the Defendant, the record showing the number of Grand Jurors at the time of the Indictment and the record of the vote on the Indictment.

h. Furnish a copy of the Grand Jury transcripts and proceedings, including any and all minutes, notes, and recordings of the Grand Jury which resulted in the Indictment of this Defendant.

i. Provide the Defendant's counsel with the names and addresses of all persons who testified before the Grand Jury as to the alleged wrongdoing in the case at bar.

j. Set forth the names, addresses, and telephone numbers of any individual through whom information was derived which culminated in a search, either with or without a

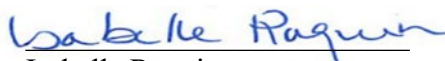
Search Warrant and/or whose information culminated in an arrest, with or without an Arrest Warrant.

k. Permit the Defendant to view, inspect and copy any photographic diagrams, blueprints, layouts, or plans of the grounds or buildings of the premises which may have been involved in the case at bar which are in the possession of the State and/or its agents.

POINTS AND AUTHORITIES IN SUPPORT OF REQUESTS FOR DISCOVERY

- a. Constitution of the United States, Amendments IV, V, VI, and XIV
- b. Maryland Declaration of Rights, Articles 21, 23, 24 and 26
- c. Maryland Rule 4-263
- d. *Brady v. Maryland*, 373 U.S. 83 (1963)
- e. *Kyles v. Whitley*, 514 U.S. 419 (1995)
- f. *Giglio v. United States*, 405 U.S. 150 (1972)
- g. *United States v. Agurs*, 427 U.S. 97 (1976)
- h. *Thomas v. State*, 372 Md. 342 (2002)
- i. *Goldsmith v. State*, 337 Md. 112 (1995)
- j. *Liva v. State*, 321 Md. 564 (1991)
- k. *State v. Williams*, 392 Md. 194 (2006)

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this this 22nd day of November 2021, a true and copy of the foregoing motion for **REQUEST FOR DISCOVERY AND INSPECTION** was electronically served to the following person(s):

Office of the State's Attorney
Montgomery County
50 Maryland Avenue
5th Floor, North Tower
Rockville, MD 20850



Isabelle Raquin #1112150040

Attorney for Norris Ellis